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TULLEDO, PATRICIA BROWN, KEVIN
DIXON, CLINT DINGMAN, JULIE BOWLES
and HORN BROOK COMMUNITY SERVICES
DISTRICT

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, REDDING DIVISION

ROGER GIFFORD,

Plaintiff,

vs.

MICHELE HANSON; ROBERT PUCKETT,
SR.; MELISSA TULLEDO; PATRICIA
BROWN; KEVIN DIXON; CLINT
DINGMAN; JULIE BOWLES;
HORN BROOK COMMUNITY SERVICES
DISTRICT; and JOHN DOES 1-50, inclusive,

Defendants.

Case No. 2:21-cv-00119-DJC-DMC

**DEFENDANTS' REPLY TO PLAINTIFF'S
OPPOSITION TO MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED
COMPLAINT PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 12(b)(6)**

Date: June 21, 2023

Time: 10:00 a.m.

Crtrm.: 304, 3rd Floor

District Judge: Daniel J. Calabretta

Magistrate Judge: Dennis M. Cota

Trial Date: None Set

TO THE COURT, PLAINTIFF AND THEIR COUNSEL OF RECORD:

Defendants submit the following brief Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiff's First Amended Complaint. As discussed in the moving papers, Plaintiff's First Amended Complaint suffers from the same fatal defects as his original pleading. Plaintiff's Opposition does nothing to ameliorate these defects. Defendants will not parse each of Plaintiff's scattershot arguments. However, to use two examples, Plaintiff has not pled facts sufficient to establish that he was an employee. That he was a member of the Board of Directors is insufficient on its own—there are myriad volunteer Boards of Directors across the country, and

1 those volunteers are certainly not employees. Plaintiff must allege more. Likewise, Plaintiff pleads
2 no facts sufficient to establish a First Amendment violation of any kind. Plaintiff does not allege
3 that he has been barred from meetings, or that he has been barred from public comment. Plaintiff
4 does not allege facts establishing a deprivation of the right to petition. Indeed, he is petitioning
5 before this very Court.

6 The allegations in the First Amendment Complaint are plainly insufficient to meet the
7 standard established in *Iqbal* and *Twombly*. As with the First Amended Complaint, the Court may
8 dismiss this meritless action pursuant to Rule 12(b)(6). Defendants respectfully request that the
9 Court do so with prejudice.

10
11 DATED: June 14, 2023

LEWIS BRISBOIS BISGAARD & SMITH LLP

12
13 By: /s/ Ryan Matthews

14 Joseph A. Salazar, Jr.

15 Ryan J. Matthews

16 Attorneys for Defendants, MICHELE HANSON,

17 ROBERT PUCKETT, SR., MELISSA

18 TULLEDO, PATRICIA BROWN, KEVIN

19 DIXON, CLINT DINGMAN, JULIE BOWLES

20 and HORNBROOK COMMUNITY SERVICES

21 DISTRICT
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FEDERAL COURT PROOF OF SERVICE

Roger Gifford v. Michele Hanson, et al.

Case No. 2:21-cv-119-TLN-DMC

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to the action. My business address is 2020 West El Camino Avenue, Suite 700, Sacramento, CA 95833. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On June 14, 2023, I served the following document(s):

- **DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Roger Gifford 15226 Hornbrook Road Hornbrook, CA 96044	<i>In Pro Per</i> T: 530-340-1395 E-Mail: gunsnhorses@yahoo.com
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The documents were served by the following means:

- ☒ (BY U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and I deposited the sealed envelope or package with the U.S. Postal Service, with the postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on June 14, 2023, at Sacramento, California.

/s/ Alicia Crespo
Alicia Crespo